

SC 5593-4-445

LAW OFFICES OF
COOKERLY & COOKERLY
123 COURT STREET
P.O. BOX 224
CHESTERTOWN, MARYLAND 21620
301-778-2112

ERNEST S. COOKERLY
RICHARD O. COOKERLY

ASSOCIATE
FLOYD L. PARKS

April 21, 1989

Mr. William R. Nuttle
P.O. Box 371
Chestertown, Maryland 21620

Re: St. John's By the Sea

Dear Bill:

You performed a survey showing the probable lines for the Church property. Will you please mark it with flags and give me a metes and bounds description, all of which will be needed prior to trial on May 12.

While putting up those poles, you may if you are anywhere near close find the stones that were indicated in the initial description back in 1917. I know this is a small job. Please do it as quickly as you can. Remember, this is not a pro bono matter.

Sincerely yours,



Ernest S. Cookerly

ESC/ljh

December 6, 1983.

Ernest S. Cookerly, Atty.
Chestertown, Md.

Dear Ernie:

I have looked over the copies of the various deeds that you gave to me concerning the Paxton lot and the old church vestry property on Ericsson Avenue in Betterton.

In 1968, Lawrence sold to Hitch the area shown on the old plat designated as "The Cedars", "Bay Field", and "Suplee Tenant Houses". The metes and bounds description was from data shown on this old plat. The deed excepted out the lot sold to the Vestry of I.U. Parish (APR 2/228). In 1969, McCrone surveyed part of the large tract but missed the conveyance to I.U. Parish. In 1982, McCrone re-surveyed the land for Paxton, and this time they showed the vestry lot.

I do not know how the lines between Paxton and Becker were originally established; but once they were, the placement of the church lot was set. The fact that the southeast line of the church property does not touch Ericsson Avenue can possibly be explained by relocation of the road. An additional survey may or may not shed more light on the subject. If Mr. Paxton is offering to settle on a line of agreement taking in the old building and giving road frontage, I suggest that the owner of the church lot accept it.

Sincerely yours,

CIRCUIT COURT FOR KENT COUNTY

Clerk's Office
Courthouse
Chestertown, Maryland 21620

Elizabeth L. Horn, Personal

Case Number 1040-E

Representative, et al.

Vs.

(X) Civil

() Criminal

Elinor Tama Williams, et al.

SUBPOENA

To (Name, Address and County):

William R. Nuttle, Byford Court, Chestertown, Maryland 21620

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only; (X) Personally appear and produce documents or objects; at Circuit Court for Kent County
(Place where attendance is required)

Maryland

on Wednesday the 26th day of July, 19 89 at 10:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

All documents pertaining to survey of 0.138 acres located near intersection of Ericsson Avenue and Idlewhile Avenue in the Town of Betterton

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to: _____

Ernest S. Cookerly, Esquire, P.O. Box 224, Chestertown, Maryland 21620, (301) 778-2112

(Name of Party or Attorney, Address and Phone Number)

Date Issued July 7, 1989

CLERK

(Signature and Seal)

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

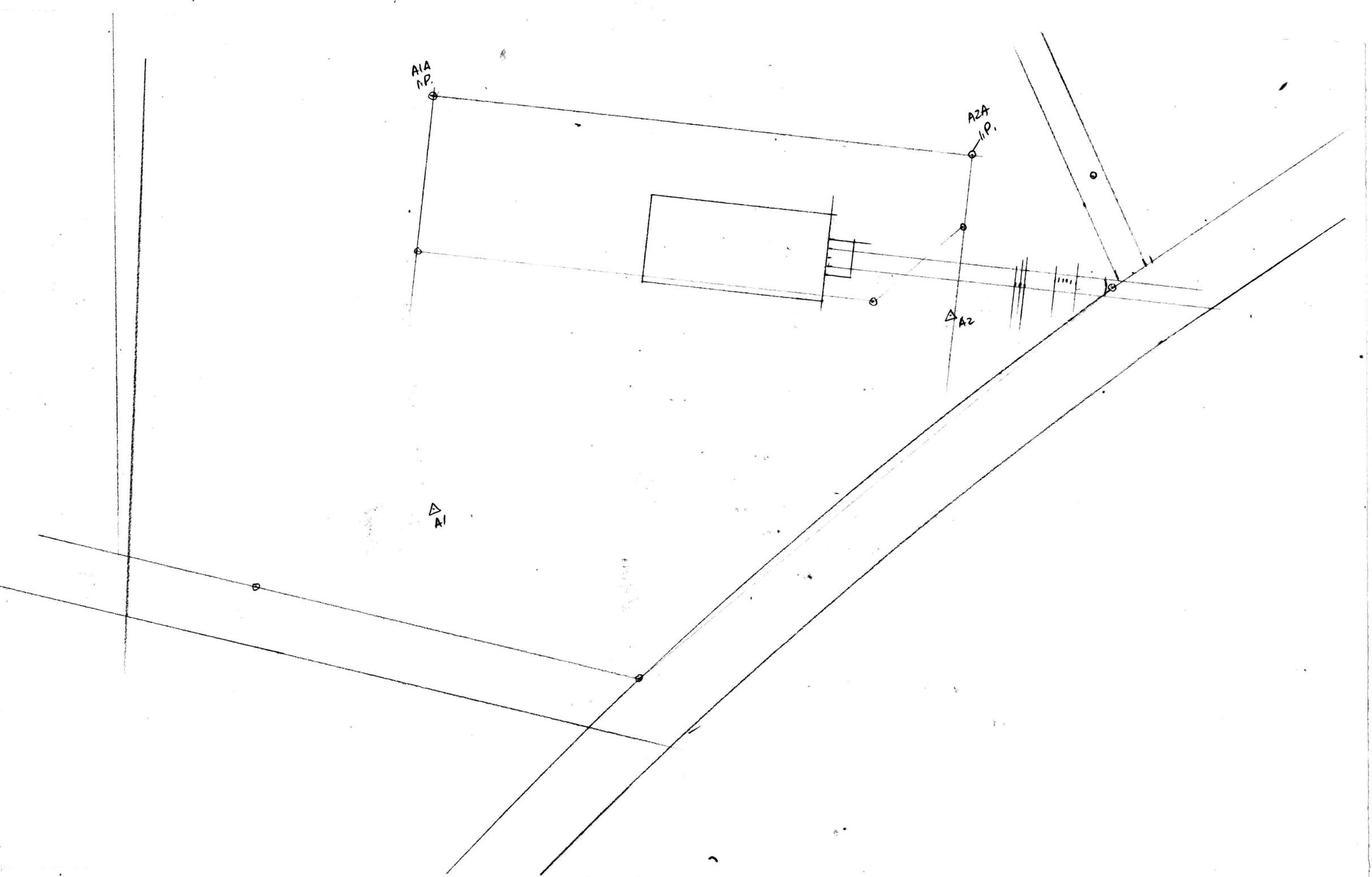
() Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

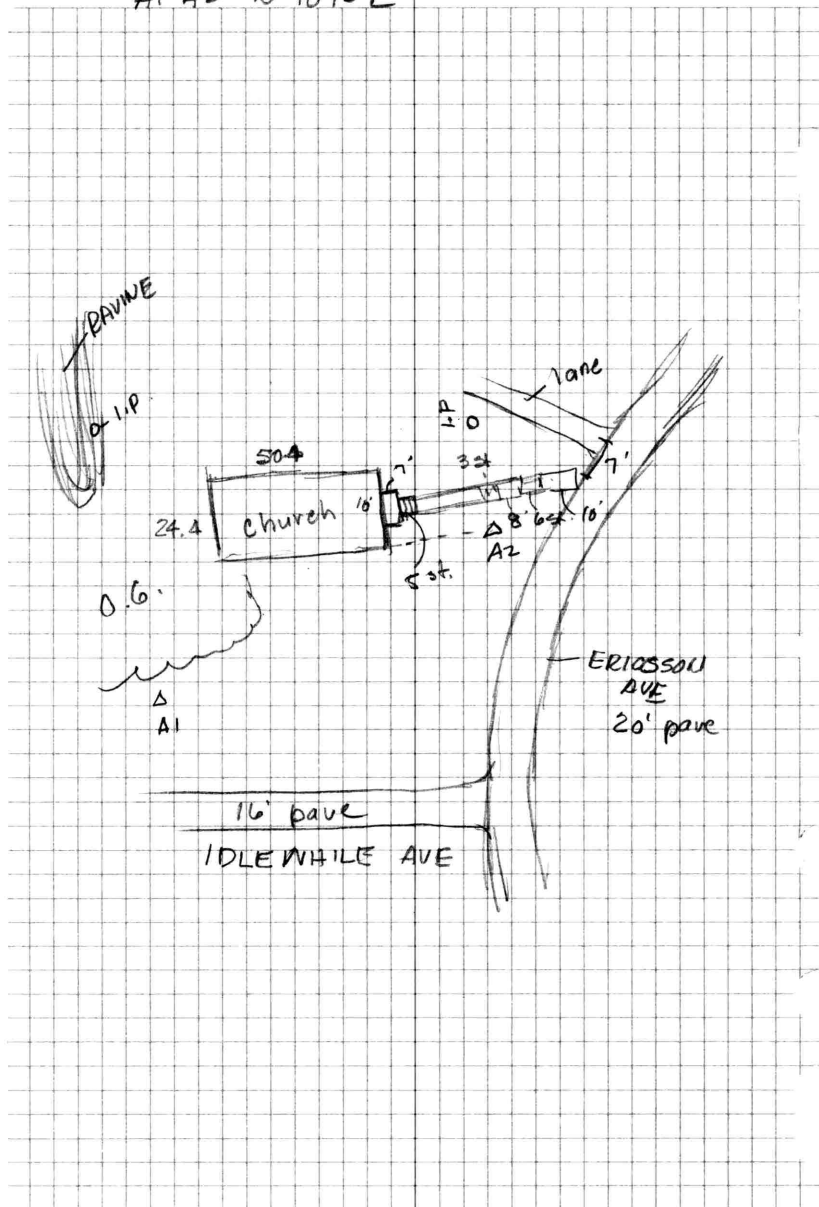
ORIGINAL AND ONE COPY NEEDED FOR EACH WITNESS



Elinor Williams
Betterton

Jan. 31, 1909

A1-A2 - N 70° 15' E



A1	A2	A2	0°	152.50 153.28 113.98 114.29	05°48 04°15
A2	A1	l.p. edge church	L69°35' R26°42'	35.42	
		l.p. end to e.p. walk	R119°59' L169°20'	44.63 45	in stamp about p.c
		e.p. inter	L0°50'	206	
		e.p.	L28°57'	132	
		2 dr.	R156°35'	55	
		e.p.	R173°40'	152	

Elinor Williams
Betberton

May 4, 1989

A2

A3

A1
3'

3'
A0

A4

A6

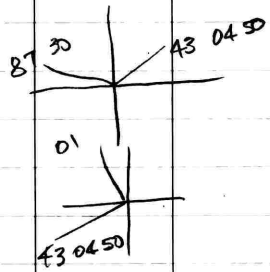
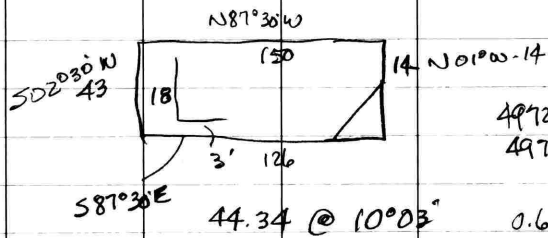
A5

TELETYPE
NO. 448

A1	A0	A2	180°	18.00
		A4	0°	126.00
A2	A0	A3	190°	48.00
A4	A2	A5	R130°34'50"	38.21
A5	A4	A6	R135°55'10"	14.00

Points marked with nails & G.P.'s

N 43° 04' 50" E - 38.21



87° 30'

43° 04' 50"

R 130° 34' 50" - 38.21

179° 59' 60"

44° 04' 50"

R 135° 55' 10" - 14.00

03° 50' 68.37

57.78

59.11 @ 12° 05' - 57.86

July 24

Logans

Leonard H. \approx Harriett Brown
1st St.

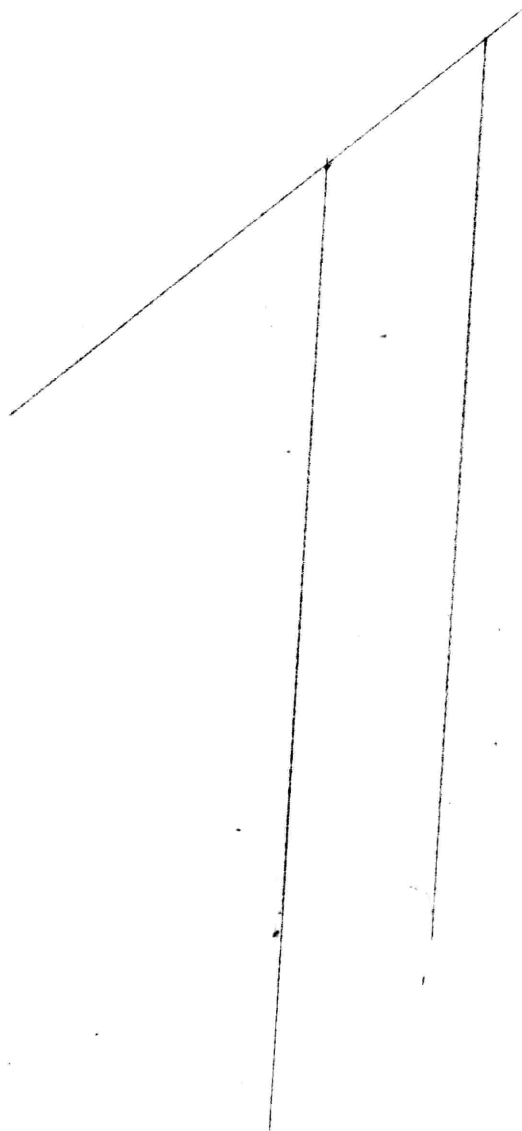
prop. line survey
Trap 100 P. 1604
G/581

Clyde Morris

Eleana Holden

before 4th of Aug.

Conans



N87°30'W - 150

S02°30'W - 43

S87°30'E - 126

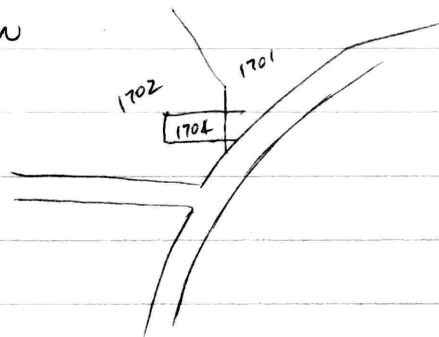
N46°E - 32

N01°W - 14

4994.32 4996.92

Closure - N28°28'07"E - 6.46

BETTERTON
MAP 100



1701 - American Home Service Assn. Inc. EHP 69/19

1702 " " "

1704 Elinor Williams EHP 122/305

EHP 69/19 Parcel 2 - Begin pt. in E Ericsson Ave. at cor. Becker
w/ Becker $N01^{\circ}20'E - 255.80$ to I.P.

$N24^{\circ}00'W - 52$ " "

644

w/ Highland & Heckman - $S01^{\circ}20'W - 400 \pm$ to E Ericsson

w/s $S49^{\circ}25'W - 31.90$ to begin

COPY

WILLIAM R. NUTTLE
Registered Surveyor
CHESTERTOWN, MD. 21620

February 9, 1989.

Mr. Ernest S. Cookerly, Atty.
Chestertown, Md.

Dear Ernest:

I went up to Betterton to take a look at the Elinor Williams lot on Ericsson Avenue. I located the building, roads, walk, and a couple of pipes. The enclosed plat is the result. Now what?

LAW OFFICES OF

ERNEST S. COOKERLY

CHESTERTOWN, MARYLAND 21620

ERNEST S. COOKERLY
FLOYD L. PARKS

TELEPHONE
778-2112

December 13, 1988

Mr. William R. Nuttle
Queen Street Extended
Chestertown, Maryland 21620

Re: Chapel property

Dear Bill:

Just a reminder that I have been authorized by Tama Williams to have you survey the Chapel property in Betterton in preparation for the pending litigation. Just didn't want you to forget it and lose it in all of the holiday spirit.

Sincerely yours,



Ernest S. Cookerly

ESC/ljh

EARL BECKER

Lines according
to McCrone survey

GERALD A. PAXTON

ELINOR T. WILLIAMS

frame church

walk

lane

More probable orientation
of property lines

ERICSSON AVENUE

IDLEWHILE AVENUE

* Note: The deed from Groves to I.U. Church
calls for this line to be along the west
side of Ericsson Ave. The walk and
steep bank indicate that there has been
little or no change in this road since 1917.

o = nail set
I.P. = iron pipe found



PLAT SHOWING LANDS OF
ELINOR T. WILLIAMS

BETTERTON, KENT COUNTY, MD.

Scale 1"=30' Feb. 1989.

William R. Nuttle, Reg. Surveyor
Chestertown, Md.

IDLEWHILE FARM

1681A

Idlewhile Hotel



N 83 1/2° W 443 ft.

IDLEWHILE AVENUE

"The Cedars" 1.30A

Reserved portion of
the Bay Field.
N 2° E 65 ft
N 88° W 175 ft

The
Baltimore
Philadelphia
Steamboat Co's.
land

N 2° E 392 ft

342 ft

Path to Spring

Idlewhile
Spring

"BAY FIELD"

9.70A

Tenant Houses	1.20
The Cedars	1.30
Bay Field	9.70
	12.20

S 9 1/4° E 23'
S 1° W 64'

SUPLEE 1.20A
Tenant Houses

Reserved portion
of the
Bay Field.

Mary Morovitz

S 33° E 110'

S 66 1/4° E 43'

S 30° E 74'

S 50° E 53 ft

S 67° E 84 ft

S 2° W 140 ft

S 84° 10' E 238 ft.

383 ft

part

Capt. McDade

Capt Geo. W. Moore

Mrs. Broomall

Mrs. Mary Morovitz

Faulkner
and Moore

Elinor Williams

Jan. 31, 1989

Betterton

[illegible]

"The Cedars" 130A

Reserved portion of
the Bay Field.
N2°E 65ft
N88°W 175ft

The
Baltimore
Philadelphia
Steamboat Co's
Land

N2°E 392ft

342ft

Path to Spring

1/2 mile
Spring

Dogs walk to Pier

Stone

"BAY FIELD"
970A

Tenant Houses	1.20
The Cedars	1.30
Bay Field	9.70
	12.20
Farm	16.81
Total	29.01

S 9 1/4° E 23'
S 1° W 64'

SUPLEE 1.20A
Tenant Houses

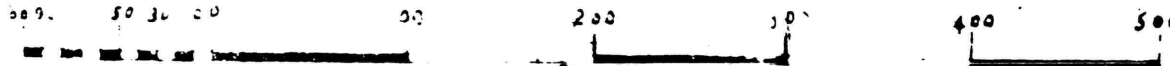
Reserved portion
of the
Bay Field.

Mary Morovitz

S 84° 10' E 238ft.

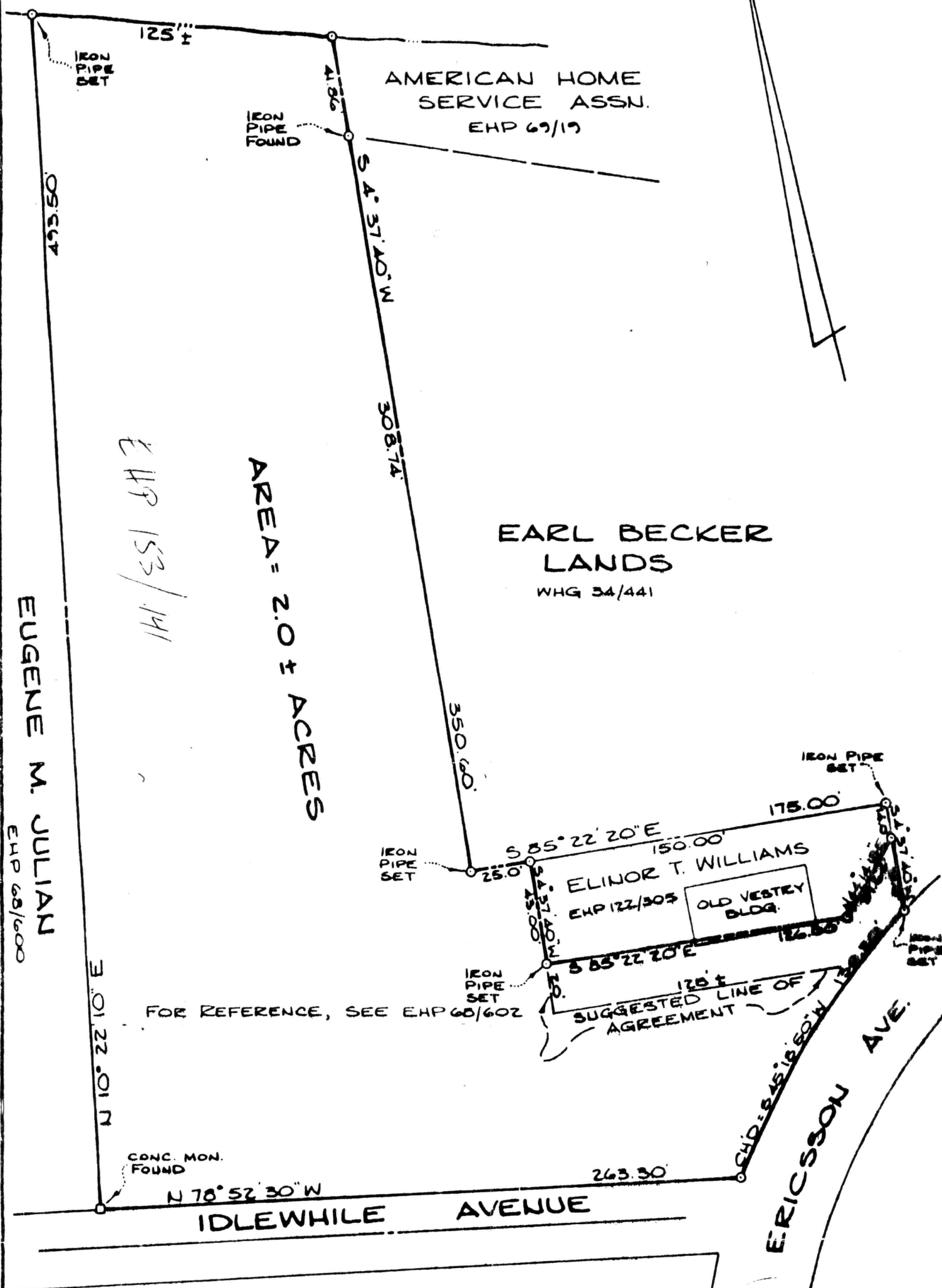
Scott Crownhart

C H E S A P E A K E
B A Y



Scale 1" = 100'

SASSAFRAS RIVER



FORM NO. 2

<p>SURVEY OF THE LANDS OF GERALD A. PAXTON BETTERTON 3RD DISTRICT, KENT COUNTY, MARYLAND</p>	<p>J. R. McCRONE, JR., INC. REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS ANNAPOLIS, MARYLAND PRINCE FREDERICK CHESTERTOWN EASTON LEONARDTOWN DENTON</p>	<p>DRAWN BY JIM LEE SCALE 1" = 50' DATE AUG. 1987 JOB NO. 207400100 FOLDER 493</p>
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the purpose of making this affidavit.

As Witness my hand and Notarial Seal.

J. Raymond Simperts

Notary Public.



And was duly recorded by,

A. Parks Rasin, Clerk. *A. Parks Rasin, Clerk.*

FREDERICK S. GROVES
AND WIFE
TO
VESTRY OF I.U. PARISH

Be it Remembered, that on this 21st day of May 1917, there was filed to be recorded among the Land Records of Kent County, a Deed, which is in the following words, to wit:

THIS DEED. Made this 8th day of May in the year 1917, by and between Frederick S. Groves and Elouise E. Groves, his wife, of Burlington County and State of New Jersey, of the one part, and the Vestry of I.U. Parish, in Kent County and State of Maryland, a community and body politic, under and by virtue of the Act of the General Assembly of Maryland for the establishment of Select Vestries of the Protestant Episcopal Church in the State of Maryland, of the other part.

WHEREAS, by deed bearing date the 17th day of December 1914, duly recorded among the Land Records of Kent County in Liber J.T.D. NO. 30, folio 586, the said Frederick S. Groves, and wife, conveyed to the Vestry of I.U. Church a certain lot or parcel of land situated in Betterton, Kent County, State of Maryland, and particularly described in said deed for a Church, Chapel or House of worship and only for such purposes, and whereas, The Vestry of I. U. Parish has determined not to improve and use said land for a Church, Chapel and Place of Worship of the Protestant Episcopal Church, and said Land and Premises has been forfeited and has reverted to the said Frederick S. Groves, as provided in said deed.

AND WHEREAS, the said Frederick S. Groves has given and donated to the Vestry of I.U. Parish for a Church, Chapel or House of Worship, the hereinafter described lot or parcel of land, under the conditions and restrictions hereinafter set forth, in the place of the land hereinbefore mentioned.

NOW THIS DEED WITNESSETH, That in consideration of the premises and of the sum of One Dollar, the said Frederick S. Groves and Elouise E. Groves, his wife, do grant and convey unto the said The Vestry of I.U. Parish, and its successors, in fee simple, for a Church, Chapel or House of Worship, and to be improved, enjoyed or used only for such purposes, all that lot or parcel of land situate, lying and being in the Town of Betterton, Kent County, Maryland, on the west side of the old Crew Road now called Ericsson Avenue and more particularly described as follows:

Beginning at a stone set at the northeast corner of the herein described lot being at the southeast corner of the land of the Baltimore and Philadelphia Steamboat Company and running therewith (magnetic bearing 1917) North 87 degrees 30 minutes West 150 feet to a stone; (this line prolonged 25 feet will reach to a stone set at the southwest corner of the said Steamboat Company's land); then South 2 degrees 30 minutes West 43 feet to a stone; then South 87 degrees 30 minutes East 126 feet to the west side of Ericsson Avenue as the same now is then running therewith North 46 degrees East 32 feet; then North 1 degree West 14 feet to

Returned Dec. 9-1936

Recorded Jan. 27-1917

the place of beginning and containing 0.138 Acres of land, more or less, which was conveyed to the said Frederick S. Groves by Albert H. Suplee and Marie L. Suplee, his wife, by deed bearing date the 20th day of May 1912, duly recorded among the Land Records of Kent County in Liber T.D. NO. 25, folio 368.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lot or parcel of land and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said The Vestry of I.U.Parish, or its successors, in fee simple, for a Church, Chapel or House of Worship, and to be improved and enjoyed or used only for such purposes, subject to the following covenants and agreements which is hereby entered into by the said The Vestry of I.U.Parish, and its successors with the said Frederick S. Groves as a part of the consideration of this deed and which is intended for and agreed to be a covenant running with the land

The said land is to be improved, enjoyed and used for a Church, Chapel and place of Worship of the Protestant Episcopal Church, and for no other purposes.

PROVIDED, that in case said land and property should be diverted by any means whatsoever from the uses and purposes of the Protestant Episcopal Church, as hereinbefore set forth and stipulated, and provided that in case any covenant or agreement entered into by the said The Vestry of I.U.Parish, or its successors, should be broken or violated, then the said hereinbefore described land and premises shall be deemed forfeited and shall immediately revert to and vest in the said the said Frederick S. Groves, his heirs or assigns, free clear and discharged from all and every claim of the said The Vestry of I.U.Parish, or its successors.

AND the said Frederick S. Groves, subject to the above covenants, agreements, provisions and stipulations on the part of the said The Vestry of I.U.Parish, covenants that he will warrant specially the property hereby granted and that he will execute such further assurances of said land as may be requisite.

Witness the hands and seals of the said grantors.

EST:

F. S. Groves (seal)

Silas J. Coddington

Elouise E. Groves (seal)

STATE OF NEW JERSEY, BURLINGTON COUNTY, TO WIT:

I hereby certify that on this 8th day of May in the year 1917, before me, the subscriber, a Notary Public of the State of New Jersey, in and for Burlington County aforesaid, duly commissioned and qualified, personally appeared Frederick S. Groves and Elouise E. Groves, his wife, Grantors within named, and each acknowledged the foregoing Deed to be their respective

Witness my hand and Notarial Seal.

Silas J. Coddington

Notary Public

My Commission expires Jan. 1st. 1919.

Notarial
Seals
Place

Was duly recorded by,

A. Parks Rasin, Clerk.

A. Parks Rasin, Clerk.

HN D. URIE

AND WIFE

TO

LIAM ALFRED THOMAS

Be it Remembered, that on this 22nd day of May 1917, there was filed to be recorded among the Land Records of Kent County, a Deed, which is in the following words, to wit:

THIS DEED, Made this 22nd day of May A.D. 1917,

John D. Urie and Lillian Urie, his wife to William Alfred Thomas all of Kent County, State Maryland.

WITNESSETH, That for and in consideration of the sum of Five Dollars and other good and valuable considerations the said John D. Urie and Lillian Urie, do hereby grant unto the